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Commons: their role

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MEMBERS OF THE HOUSE OF COMMONS: THEIR ROLE

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MEMBERS OF THE HOUSE OF COMMONS: THEIR ROLE

INTRODUCTION

This paper outlines the main functions of a Member of Parliament: his or her representative, legislative, surveillance and legitimation roles. The paper considers each of these from a theoretical standpoint and looks at the practical means whereby Members perform them.

Though the term "Member of Parliament" may apply to both Commoners and Senators, here it is employed in its more colloquial sense to denote a member of the House of Commons.

REPRESENTATIVE FUNCTION

The most obvious task of Members of Parliament is to represent their constituents. Each Member represents one of the 295 constituencies comprising the House of Commons.

It is uncertain whether, as representatives, MPs ought ideally to interpret, and ultimately mould, public opinion, or whether their purpose is rather merely to relay their constituents' views to those in positions of authority. Proponents of the latter "delegate" approach maintain that sovereignty is best exercised, to the extent practical, by those in whom it ultimately resides, the people. In the 35th Parliament, this view is strongly upheld by members of the Reform Party. At a parliamentary conference, as a sitting Member, Diane Ablonczy said:

... In its simplest terms, democracy is rule by the people - not rule by a prime minister, not rule by a prime minister and his cabinet, not rule by members of Parliament belonging to the government party, or even by all 295 members of Parliament, but rule by the people.

Yes. MPs have a mandate from the people. Yes, MPs are trustees for the people. But ultimately, and most important of all, MPs are delegates of the people.⁽¹⁾

Yet, notwithstanding its appeal to democratic purists, many authorities argue that the delegate conception of the MP's representative function is inadequate for a number of reasons, and particularly because it denies the "plural" nature of Canadian society. Most constituencies are socially, politically and economically mixed, so that MPs are frequently elected with less than an absolute majority of the electors' votes. Given the many concerns with which MPs must deal -- often urgently -- it is impossible for them to return to their constituents for instructions or to hold a plebiscite on every issue. The delegate approach assumes that Parliament is nothing more than the sum of its parts -- a forum for warring local factions -- and the national good, by extension, a mere amalgamation of factional interests.

Although the issue has yet to be resolved, it would not be presumptuous to suggest that many MPs believe they ought not merely to respond to public opinion but rather to interpret and mould it. Former Nova Scotia Premier and Leader of the official Opposition Robert Stanfield once suggested that MPs need to "be ahead of public opinion in some respect."⁽²⁾ Many MPs maintain that it is not only their right but, more importantly, their moral obligation to provide leadership in the face of changing public opinion. Indeed, denied this leadership role, MPs are reduced to the level of sheer political opportunists -- a state that sacrifices both the individual's moral integrity and the overall dignity of Parliament. Thus, generally, MPs look beyond the myopic concerns of locality and region towards the larger national interest. As a result, the Parliament they collectively serve becomes more than a sum of its parts. The British philosopher Edmund Burke wrote:

Parliament is a deliberate assembly of one nation, with one interest, that of the whole; where, not local purpose, not local prejudices ought to guide but the general good, resulting from the general reason of the whole.⁽³⁾

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- (1) "Parliamentary Reform: Making it Work," Canadian Study of Parliament Group, Conference, 13 May 1994, Ottawa, p. 35.
 - (2) Robert Stanfield, "The Opportunities and Frustrations of Backbenchers," Address delivered to the 6th Seminar of the Commonwealth Parliamentary Association, November 1980.
 - (3) Edmund Burke, *The Works of the Right Honourable Edmund Burke*, Henry Rogers, ed., Vol. 1, Samuel Holdsworth, London, 1842, p. 180.

Members of Parliament represent their constituents in many ways; for example, by representing their views in the House of Commons and suggesting policy initiatives on their behalf. By partaking in the legislative process, MPs give constituents at least an indirect role in the shaping of important policies affecting their lives. A Member may make a short statement on any topic under Standing Order 31 immediately prior to the start of the daily oral Question Period. MPs may also raise matters during Question Period in the hope of influencing a Minister to alter or initiate policies more in keeping with the views of voters. Members may also appeal to Ministers either by letter or more directly.

The Member of Parliament may also move adoption of a Private Member's Bill during the time allotted to Private Members' business. Although a public bill, a Private Member's Bill is sponsored by a Private Member, and is not part of the government's proposed legislative package. Prior to 24 February 1986, procedures governing the consideration of Private Members' Bills resulted in the death of most such bills before they received Second Reading, and their introduction was useful primarily as a means of publicizing issues and encouraging action by the government. Under current procedures, at least a few Private Members' Bills have a genuine chance of being passed, in addition to performing their earlier functions. Individual Members may also seek to raise a notice of motion both to provoke debate on general government policy and to explain the views of constituents.

Under reformed procedures adopted in the last decade, the Committees of the House provide enhanced opportunities for Members to perform their representative role. In legislative committees (provided for by the rules of the House, but not used during the 1st Session of the 35th Parliament, 1993-1995), as well as in standing committees, Members may participate in the detailed clause-by-clause scrutiny of bills following Second Reading. In standing committees, Members may participate in the review of Order in Council appointments, the examination of departmental estimates, policy documents and plans, and the carrying out of investigative studies. In committee, where membership is kept deliberately small and procedural rules relaxed, Members may speak freely and frequently, questioning witnesses (including departmental officials and Ministers) in the hope of influencing eventual government policy.

MPs may also seek to influence the members of their own party to adopt specific attitudes and policy proposals along the lines of those advocated by electors. Apart from casual exchanges among members of the same party, such intra-party persuasion normally finds

expression in the party's caucus. Here, assembled privately, Members may attempt to influence their party's stance towards specific issues in directions that reflect favourably upon themselves and, by extension, their constituents. In addition, Members from the same province or region may band together to form a common front, or regional caucus, with the intent of more effectively articulating regional concerns. Conversely, MPs may attempt to influence party stances on issues by more public means. MPs appreciate publicity and reporters cultivate politicians in a search for news; hence the two are natural allies. The astute MP can turn this uneasy relationship to advantage in the interests of his or her voters and party.

Another important aspect of the Member's representative role is the "ombudsman" function. Faced with problems involving the federal government and its departments, constituents often appeal for help to their MPs. It is a rare parliamentary day that a conscientious Member does not receive phone calls and a score of letters from electors with unemployment insurance, welfare, farming, legal, pension, immigration or financial problems that they want taken up with bureaucrats or ministers. An MP's mediation can often produce results or trim the red tape.

Any realistic assessment of the representative role of the Member of Parliament must take account, however, of partisan considerations. Since many MPs owe their electoral success to their political parties, "party politics" may occasionally dictate the sacrifice of constituents' concerns. For their part, Members view the party both as a means of promoting shared policy objectives and of mobilizing mass support at elections. The party provides the financial and administrative machinery to help an MP's re-election. In Canada, the party expects loyalty and has a way of leaving mavericks twisting in the wind.

Of course, the effectiveness of MPs in representing their constituents depends to a considerable degree on the position they occupy in the House. Cabinet Ministers, as Members of the Executive, are best placed to ensure that the interests of their constituents are duly considered in the formation of government policy.

Removed from the process of policymaking, the ordinary MP must vie for input into central decisionmaking with the bureaucracy, interest groups and other MPs. His or her voice is therefore often only one among many. Nor has a backbencher the resources available to Ministers anxious to press their views.

Paradoxically, it can be argued that opposition MPs are freer to represent their constituents than are government backbenchers. Because governments must often make unpopular

decisions, the governing party's need to appear united is normally more acute than that of its opposition counterparts. If the party in power can maintain the appearance of solidarity, it will be more successful in convincing the public that the decisions it has taken -- however unpopular -- are the right ones. The range of issues on which government Members choose to speak out and the extent to which they make their voices heard, may be limited somewhat by their career aspirations.

While government supporters may not be as willing to press the interests of their constituents to the point of publicly criticizing the government, in private they have greater influence. Ministers and ministers' staff are more likely to give them a hearing, and the caucus of government members can act as a brake or as a goad. Even as he emphasized the role of caucus as an instrument of party discipline, Mark MacGuigan, a former prominent Member, admitted that "strong caucus opposition to any government proposal imposes an absolute veto on that proposal."⁽⁴⁾

LEGISLATIVE FUNCTION

Ordinary MPs perform only an indirect role in the legislative process. Whereas at one time Parliament was the primary source of legislative initiative, today the legislative role of Parliament and its Members is, for the most part, not to formulate but to refine policy.

The onus of legislating is largely borne by the government but, however strong that may be, it depends on the votes of its supporters in Parliament. Even the most loyal may resent being taken for granted and, on controversial, emotional issues, may show it by abstaining. Moreover, MPs may attempt to effect changes in proposed legislation through bartering their voting support. In a minority government situation, this bargaining leverage may be considerable.

Members of Parliament also may exert direct influence over legislation in House committees. The study of departmental estimates, for example, gives them the chance to criticize and possibly alter appropriation projections. Committee rules empower Members to accede to, revise downward, or even deny the government's appropriation demands outright, thus making potential legislators of committee members. This potential influence over government spending policy is acknowledged in the familiar dictum respecting parliamentary "control of the purse strings."

(4) As quoted in Robert J. Jackson and Doreen Jackson, *Politics in Canada*, 3rd Edition, Prentice Hall (Canada), 1994, p. 347.

Apart from the examination of departmental estimates, Members may also exert direct influence over legislation in committee during the normal detailed scrutiny of a bill following Second Reading. An MP may attempt to convince his fellow committee members of the desirability of certain changes in view of what he or she perceives to be inconsistencies or possible oversights in the proposed legislation.

Revisions to the rules of the House have further broadened the powers of committees and, in doing so, have enhanced the legislative role of MPs. The government can now refer a bill to committee before Second Reading -- agreement in principle -- and thus enable committee members to propose a much wider range of amendments than before. Committees can also be instructed to investigate a subject and to draft and bring in a bill.

Perhaps the most direct means by which an MP may "legislate" is by sponsoring a Private Member's Bill. The five weekly hours allotted to the consideration of Private Members' legislation afford individual MPs the opportunity to champion causes of particular import or interest to them and, on occasion, to achieve the passage of legislation.

The greatest legislative influence of Private Members is probably exercised indirectly, however. Speeches during debate on a government bill or representations made during the daily Question Period seek to persuade the Cabinet to move in directions advocated by individual MPs. The party caucus may also serve as a forum for indirectly influencing government policy.

Individual Members may also attempt to influence policymakers privately. Members may telephone, write, or talk to Ministers and senior officials to discuss their policy concerns in the hope of persuading the government to change existing or proposed legislation.

Finally, MPs may influence government policy indirectly through recourse to the press. Members' public championing of specific alternative policy options -- if it is successful -- may foster a public mood hostile to proposed or current government legislation.

This theoretical understanding of the Member's role needs to be qualified, however. Party discipline, for example, constitutes an important limitation on the influence of individual MPs. As one former MP noted in 1978:

The most important constraint on the role of the private Member is his party affiliation ... I cannot emphasize this point too much. Members are conscious that they entered the House as party

members. This fact is part of the environment of politics. It limits what role a backbencher can envisage for himself.⁽⁵⁾

Although there may be a few more free votes in the House today, little has changed since then.

Government Members very rarely break party ranks to vote against government policy, and Opposition parties, anxious to appear united, frown on public dissent by Members.

Parliament is an imperfect instrument. Its Members are subject to the stresses of doing demanding work for thousands of voters under the constraints of tight schedules. Thus, it is naive to expect that an MP's legislative tasks will always be satisfying exercises in statesmanship. The MP learns to use parliamentary mechanisms to bring about optimum results from a system necessarily founded on compromise. Committees, valuable sounding boards on which to test public and expert reaction to proposed measures, are such a mechanism. Unlikely to thwart government purposes, they are nonetheless a useful antidote to the ills of bureaucratic and executive secrecy.

SURVEILLANCE FUNCTION

In a parliamentary system of government, the executive's freedom to govern is necessarily balanced by accountability to the legislature. Accountability is embodied, for example, in the traditional doctrines of individual and collective ministerial responsibility. If the public is to be protected from potential government arbitrariness and assured of wise spending, Parliament must carefully scrutinize government activity, a responsibility usually assumed by the Opposition parties.

Scrutiny of government spending is thus an important element of the MP's surveillance role. It takes several forms, notably the examination by MPs of departmental estimates in committee. They may question ministers and officials about departmental spending plans. If projected spending appears excessive, the committee report may propose reduction or elimination of specific expenditures.

(5) John Reid, "The Backbencher and the Discharge of Legislative Responsibilities," Proceedings of the National Conference on the Legislative Process, University of Victoria, 31 March-1 April 1978.

Members of Parliament also play an important surveillance role in the post-audit stage of government expenditures on the occasion of the yearly and other reports of the Auditor General to the House of Commons. Seizing upon the Auditor General's examples of government waste and inefficiency, Members often publicize such criticisms as well as voicing their own in the House of Commons, House committees and through the press.

A further examination of the government's spending policy is provided during the budget debate, which consists of four days of discussion (not necessarily consecutive) of the government's taxation and general financial policy, following the Budget Speech of the Minister of Finance. Given that the rules of procedure are relaxed in the course of the Budget debate, MPs are afforded a freer and more relaxed forum in which to interrogate the government about budgetary policy.

Another special debate -- albeit not confined to budgetary matters -- takes place following the Speech from the Throne in which the government outlines its major legislative initiatives for the upcoming session of Parliament. The Throne Speech Debate consists of six consecutive days during which MPs may question the government's proposed legislative package.

Apart from the Budget and Throne Speech Debates, Opposition parties also have at their disposal 20 so-called "allotted days" during which they may debate any element of the government's proposed spending plans. These 20 days, divided into three supply periods, were initially intended to compensate Opposition parties for debating time lost after the major reorganization of supply proceedings -- and the abolition of the Committee of Supply -- in 1968. Theoretically, this means of surveillance is further reinforced by the fact that motions of non-confidence, challenging the continued viability of the government, may be raised eight times during the parliamentary year. Because three such motions are allotted to each supply period, they are a potential and continued threat to the party in office.

The Commons committee system also provides for the scrutiny of government activity by Members of Parliament. Under Standing Order 108, the standing committees are endowed with wide surveillance powers, including the power to send for "persons, papers and records" and (with certain exceptions) wide powers to study and report on legislative, policy, and long-term expenditure plans and management issues related to departments within their mandates. They are also specifically empowered to review Order in Council appointments. Legislative committees, if struck, would also be empowered to summon departmental officials and other expert

witnesses, along with documents and records, in the course of their scrutiny of the legislation referred to them. In both legislative and standing committees, Members are in a position to undertake the well-informed examination of legislation and other governmental activity.

The most celebrated forum in which Members exercise their surveillance function is the daily Question Period. In the few minutes immediately before Question Period, however, Members may attempt to chastise the government for action or inaction by making, under Standing Order 31, a statement of import to themselves and their riding. During the Question Period itself, Members may interrogate Ministers about alleged cases of mismanagement of public funds or any area of perceived government bungling.

Members' ability to "keep the government in check" is not boundless. It is hard to assess projected government spending, for example, if one lacks technical expertise, or is faced with complex departmental spending programs. House committees studying government estimates are empowered only to approve or suggest decreases in specific appropriations, not to shift government priorities. Such committees "work under the axe" -- they must report by 31 May of the fiscal year or their reports are simply deemed to have been made.

LEGITIMATION FUNCTION

The last function of the Member of Parliament is that of "legitimation." No political system not maintained by coercion can long survive without the consent of its citizens; such a system is inherently unstable. Citizens of a democratic country like Canada respect its laws as the product of a political system they support and perceive as just. Because dissenters accept the generally perceived legitimate nature of the law-making process, they (normally) willingly acquiesce in of majority decisions out of respect for, and support of, the overall political system.

In legal matters, conventional wisdom posits that justice must not only be done but must also be seen to be done. Similarly, the exercise of government should take place in public. MPs play a valuable part in enhancing the perceived legitimacy of the policy process. To the extent that Canadians perceive that their varied interests are truly represented in the House of Commons -- and duly considered by the government before it formulates legislation -- they are likely both to perceive the House of Commons as a legitimate forum for the making of public policy and to acknowledge the legitimacy of subsequent government legislation.

Another means by which the MP legitimizes the policy process is through voting. In the same way, Members' participation in Question Period, House debates, and committee proceedings all attest to their overriding faith in the policy process.

There are, however, occasions when parties "play politics" with sensitive public issues, thereby arousing public cynicism towards the policy process and its participants. The long tradition of strong partisan discipline in Canada may preclude serious discussion of important issues among political parties. Government members may feel compelled to praise government action that Opposition parties feel compelled to denounce. When the positions taken by individual MPs on issues of concern are effectively staked out in advance by the dictates of party discipline, the credibility of MPs as seriously committed supporters or opponents of specific policies may be compromised.

The frequently acrimonious nature of debate in the House of Commons may also serve to undermine Members' stature; there is a temptation for MPs to "play to the gallery," thereby exaggerating the apparent tension of debates.

CONCLUSION

Members of Parliament have many roles. In theory at least, they are to be constituency representatives and ombudsmen, orators and law-givers, policymakers and watchmen over the government and bureaucracy, loyal party members and sensitive family members. In reality, they are human beings who cannot hope to cover adequately all these bases. As an ambitious, policy-oriented backbencher, Mark MacGuigan found that parliamentary demands were "considerable" and constituency cases "staggering." His activities were hectic and did not provide much time for study and reflection:

... at least three half-days each week in the House to ensure that a quorum was always maintained; attendance at major debates and divisions; attendance at Question Period "for both excitement and information"; membership in two standing committees and later, the Chairship of the Special Committee on Statutory Instruments; caucus meetings for three hours each Wednesday morning and caucus committee meetings in lunch and dinner breaks; twice-weekly French classes, "being determined to become bilingual"; a one thousand-mile round trip each weekend to constituency and home in Windsor; approximately 200 public

functions and 200 visits to the homes of constituents in each year; and a large volume of constituency business (some 5,500 cases a year).⁽⁶⁾

To be successful over the long run, Members of Parliament must find a balance between their personal, party, and parliamentary lives. This involves deciding which of their parliamentary roles to emphasize. A great many decide to focus on their representational role because acting as "ombudsman" in particular can offer not only political, but also the greatest personal satisfaction. Other Members are attracted to politics to achieve certain policy and legislative goals. The reform of the procedures of the House over the past 30 years, and particularly over the past 10, has opened many more avenues by which they can exert an influence.

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(6) As quoted in Jackson and Jackson (1994), p. 350.

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